

CERTIFICATE OF HAND-DELIVERY

I hereby certify that on the date indicated below this correspondence is being hand-delivered to the USPTO After-Hours Service Window at the Patent Office addressed to:

MAIL STOP: Amendment, COMMISSIONER FOR PATENTS, P.O. Box 1450, Alexandria, VA 22313-1450

Signature of **JEROME GLASSER**:

Date: March 5, 2008

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In the Application of: Jerome Glasser / #40232

Confirmation No.: 4813

Titled: MULTI-ITEM HOLDER DEVICE

Art Unit: 3677

Application Serial No.: 10/715,669

Examiner: Robert J. Sandy

Filed: November 18, 2003

Docket No.: JGPAT012a03US

RCE FILED AUGUST 13, 2007 PRELIMINARY AMENDMENT TRANSMITTAL LETTER

MAIL STOP: Amendment
COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, VA 22313-1450

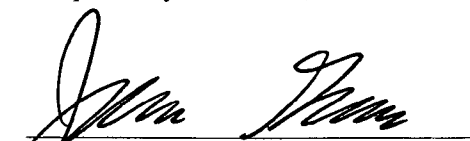
Dear Sir:

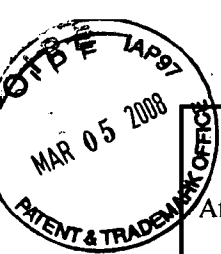
In connection with the above-referenced application, enclosed herewith for filing are:

- 1) Preliminary Amendment (9 Pages);
- 2) Claims History Attachment "AA" (20 Pages);
- 2) Certificate of Hand-Delivery;
- 3) Receipt Date-Stamp Sheet.

Date: March 5, 2008

Respectfully submitted,


Jerome Glasser, Applicant
USPTO Customer No. 40232



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Signature of JEROME GLASSER:

Date: March 5, 2008

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

| | | | |
|-------------------------|--|-------------------|------------------------|
| Title: | MULTI-ITEM HOLDER DEVICE AND SYSTEM | | |
| Applicant: | Jerome Glasser | Confirmation No.: | 4813 |
| Customer No. | 40232 | Art Unit: | 3677 |
| Application Serial No.: | 10/715,669 | Examiner: | Robert J. Sandy |
| Filed: | November 18, 2003 | Docket No.: | JGPAT012a03US |

DATED AUGUST 13, 2007 "RCE"-RELATED PRELIMINARY AMENDMENT

MAIL STOP: Amendment
COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

In connection with the above-referenced application, enclosed herewith for filing are:

a listing of all claims attached as Appendix "AA"; and

a listing of claims which have been preliminarily amended as "New".

Applicant respectfully requests that Examiner forgive the ignorance of Applicant, and re-allow the now-amended claims as per the dated February 22, 2005, First Office Action, regarding which, at the time such a gracious claims allowances were proffered by the Examiner, Applicant was too inexperienced to appreciate and understand, as well as incapable of amending the claims to conform to USPTO regulations in the manner requested by the Examiner.

Applicant respectfully contends that FUSILLO discloses non-analogous art, generally, and even if it were to be considered specifically, the structure disclosed in FUSILLO is not the same as, nor does it teach, anticipate suggest or disclose the object of this disclosure, nor does it have or even suggest a structure which does or could accomplish the same effects during use as Applicant's device as disclosed herein. Among the

Application Serial No.: 10/715,669 / MULTI-ITEM HOLDER DEVICE / RCE Preliminary Amendment / Submitted March 5, 2008

numerous distinguishing elements, between Applicant's and FUSILLO's physical differences, is the fact that the structure of the object of FUSILLO's disclosure relates to protruding "struts", this being arm-like protrusions which grasp a bag—singular—and not for display purposes, and therefore there is no consideration made or required for the bag's aesthetic appearance while the device is in use. Consequently, nowhere does FUSILLO even remotely suggest the structure of guiding "walls" which force an item to be held to be in what would amount to "perfect" alignment should a second item be introduced. Although Applicant's device may be used for holding one display item, yet another value is the concept that should a second item be desired to be displayed, there need not be a concern by the user that upon the introduction into the device of a second item, that it will be difficult or perhaps even impossible to ensure an aesthetically pleasing display alignment. With FUSILLO, there can be one—and only one—item for introduction into the device. FUSILLO's structure can not function, in all practicality, to hold MULTIPLE bags, and never contemplated the holding of multiple bags; "As can be appreciated, the twisted end of the bag can be pulled into and engaged by a first and second set of jaws in bordering quadrants, or it may be pulled into and engaged by three or even all four sets of jaws in succession." (FUSILLO: Column 5, lines 2-6)

Applicant steadfastly maintains that the object of this disclosure is not obvious, either to a layman or one skilled in the art. Had the object of this disclosure been obvious, it is reasonable to have expected its commercial exploitation—or at least even its publication—by the present time, which is almost a decade-and-a-half since the public disclosure of even the Applicant-contents-is-non-analogous-FUSILLO-patent-art. After so many years, nothing remotely similar to the object of this disclosure which will accomplish the same function as the object herein has been made commercially available. In fact, ironically enough, even FUSILLO's own disclosure has not yet achieved any level of commercial success.

Applicant, with respect, wishes to state that according to the MPEP, even claims are considered officially part of the Specification, and that, also, moreover, the drawings clearly, visually indicate a "texturing" of at least one of the planar members' surfaces, the purpose of which is to enhance the pressure which would be exerted upon an introduced display item, a pressure which is understandable to one skilled in the art.